

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**SISTEM MÜHENDISLIK INSAAT SANAYI :
VE TICARET, A.Ş.,**

Plaintiff,

-against-

THE KYRGYZ REPUBLIC,

Defendant.
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12-CV-4502 (ALC)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

ANDREW L. CARTER, JR., District Judge:

The factual and procedural history of this case is set forth in detail in Magistrate Judge Lehrburger's and this Court's previous orders. See ECF No. 175 (Order and Certification for Civil Contempt Pursuant to 28 U.S.C. § 636(e)(6); ECF No. 185 (adopting Certification and Report and Recommendation); ECF No. 205 (Report and Recommendation to deny the Republic's motion to vacate sanctions and grant Sistem's cross-motion for entry of judgment on sanctions); ECF No. 214 (adopting Report and Recommendation); ECF No. 246 (Report and Recommendation to grant motion to increase sanctions); ECF No. 253(adopting Report and Recommendation); ECF No. 260 (Report and Recommendation to enter second interim judgment against Defendant).


The current motion for increased sanctions is a result of Defendant Republic of Kyrgyz's continued noncompliance with outstanding order discovery for multiple years despite the Court previously imposing daily sanctions of \$5,000 per day. This Court adopted Judge Lerhburger's Report and Recommendation to grant Sistem's request to increase sanctions to \$15,000 per day. Yet, Defendant remains noncompliant, and sanctions have continued to accumulate. As of May 6, 2022, the sanctions amount totaled \$8,560,000. Accordingly, Sistem moved this court to enter

a second interim judgment in the amount of total outstanding sanctions. On August 31, 2022, Judge Lehrburger issued a Report and Recommendation recommending that the Court grant Sistem's motion and enter a second interim judgment against Defendant in the amount of \$8,560,000.

Despite notification of the right to object to the Report and Recommendation, no objections were filed. Where no timely objections are made, the district court reviews the Report and Recommendation for clear error. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014). As there are no objections to the Report and Recommendation and as the Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety. The Clerk of the Court is respectfully directed to terminate ECF No. 254.

SO ORDERED.

Dated: October 6, 2022
New York, New York



ANDREW L. CARTER, JR.
United States District Judge